

## AFFIDAVIT

I, Ryan J. Rapaszky, Supervisory Special Agent, U.S. Drug Enforcement Administration (“DEA”), being sworn, depose and state as follows:

### INTRODUCTION

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516, Title 18, United States Code.

2. I am currently a Supervisory Special Agent with the DEA. I have been employed as a DEA Special Agent since 2003. In September of 2016, I was promoted to the position Group Supervisor of the DEA Cape Cod Task Force in the New England Field Division, which consists of representatives from a variety of federal, state, and local law enforcement agencies. My primary duties as a DEA Supervisory Special Agent/ Group Supervisor include overseeing taskforce investigations of organized drug trafficking organization on Cape Cod and managing the day to day operations of the taskforce. Prior to becoming a Supervisory Special Agent assigned to the Cape Cod Task Force, I was a Special Agent and a Assistant Country Attaché assigned to various foreign and domestic offices within DEA to include the Baltimore District Office, Chicago Field Division, DEA Special Operations Division and the Copenhagen Country Office in Denmark.

3. I have participated in numerous investigations involving a variety of drug traffickers, money launders, drug traffickers involved with international and transnational organized crime and narcoterrorism. Over the past 15 years, I have been involved in the

execution of numerous drug-related arrest and search warrants, and have debriefed individuals about their drug-trafficking knowledge, information, and activities.

4. Prior to my assignment to the New England Field Division, I attended a twenty-week-long DEA Basic Agent Training Academy in Quantico, Virginia. While at the academy, I received training in drug enforcement investigations including, but not limited to, drug identification, surveillance, undercover operations, communications, interview and interrogation, confidential source handling, evidence handling, firearms, and case development.

5. Prior to working for the DEA, I served as a Police Officer and Detective with the Baltimore City Police Department in Maryland. I attended the Baltimore City Police Academy. During my tenure as a police officer, I participated in numerous arrests including arrests related to drug offenses.

6. Based on my training and experience, I am aware that drug traffickers commonly use cellular telephones to communicate about and further their drug trafficking activities. However, drug traffickers are aware of law enforcement's use of electronic surveillance, and thus frequently change cellular telephone numbers, use multiple cellular phones at the same time, use prepaid cellular phones (for which the subscriber of the phone is not required to provide personal identifying information), and register cellular telephones in the names of associates or fictitious persons and people. I am also aware that drug traffickers often speak in vague, guarded, or coded language when discussing their illegal business in an effort to further prevent detection, and they often use text messages in lieu of phone calls to avoid speaking over the telephone.

7. I am the case agent on an investigation targeting violent drug traffickers operating in southeastern Massachusetts and Cape Cod. Along with other agents from the DEA, I have worked closely with officers from several other law enforcement agencies, most notably the

Barnstable Police Department (BPD). The investigation utilized controlled purchases of narcotics, physical surveillance, surveillance from a stationary pole camera, analysis of telephone records, search warrants for locations, and search warrants to obtain precise location information from cellular telephones. Beginning in March 2019, agents also received authorization to intercept wire and electronic communications from OTERO's cellular telephones.

8. I submit this affidavit for three reasons. First, I submit this affidavit in support of an application for a criminal complaint alleging that, beginning no later than August 2018, and continuing until the present, EDWIN OTERO, JUSTIN JOSEPH, KIMBERLY LOPES, ANTHONY BASILICI, VINICIUS ZANGRANDE, KRYMEII FRAY, BROOKE COTELL, JOSHUA JOHNSON ("JOSHUA"), ANTHONY JOHNSON ("TONY"), ERIC BRANDO, and RONNY BAAMS (collectively, the "Targets") conspired to distribute and to possess with intent to distribute heroin, in violation of Title 21, United States Code, Section 846.

9. Second, I submit this affidavit in support of the government's motion that the Targets be detained pending trial. Based on the information set out below, each of the Targets represents a danger to the community or poses a significant risk of flight.

10. This affidavit does not set forth all the facts developed during the course of this investigation. Rather, it sets forth only those facts that are necessary to establish probable cause to believe that the Targets committed the violation set forth in the accompanying criminal complaint.

#### **THE OTERO DRUG CELL**

11. For years, state and federal law enforcement officials received information from confidential sources of information that OTERO was a violent Cape Cod-area drug trafficker. Some of the confidential sources were drug users who purchased drugs from OTERO; others

were dealers supplied by OTERO; some were simply concerned citizens. While they had different criminal histories and personal backgrounds, knew OTERO for varying lengths of time, and interacted with OTERO in different ways, the sources all identified OTERO as a significant heroin distributor who used or was willing to use violence to achieve his objectives. Information from these confidential sources tended to corroborate the others and law enforcement received reports on OTERO that corroborated their information.

12. In March and April 2019, agents received authorization to intercept wire and electronic communications from OTERO's cellular telephones. These interceptions revealed that OTERO, in coded language, arranged to distribute and distributed heroin on a daily basis. Interceptions from OTERO's cellular telephones identified other members of his drug trafficking cell, including JOSEPH, who agents identified as OTERO's top lieutenant; LOPES, OTERO's mother, who distributed heroin for OTERO; and ZANGRANDE and BASICILICI, lower-level members of the drug cell who often provide OTERO with logistical support, including rides (OTERO does not have a valid driver's license) and surveillance. In addition, agents identified other drug traffickers supplied by OTERO, including FRAY, COTELL, BAAMS, TONY, JOSHUA, and BRANDO.

13. In addition to capturing OTERO's day in, day out discussions of drug meetings, drug deliveries, and drug sales, agents conducted surveillance of a meeting between OTERO and FRAY which occurred at FRAY's home. During the meeting, agents overheard a gunshot. As they prepared to move in, agents believe OTERO and other members of his drug cell ran out of FRAY's house, jumped into a car, and took off at a high rate of speed. After the shooting, agents intercepted OTERO admitting he fired a gun at FRAY while attempting to recover a drug debt.

OTERO was also intercepted directing ZANGRANDE and another as-yet unidentified man to try to locate guns that had been tossed from the car.

#### **PROBABLE CAUSE**

14. OTERO and COTELL. COTELL is currently on supervised release out of this Court after serving a 20 month prison sentence for conspiracy to distribute heroin (in an earlier case that targeted a different violent Cape Cod drug trafficker). See United States v. Chisholm et al., Cr. No. 16-10096-PBS. On April 29, 2019, at approximately 5:25 p.m., agents intercepted a call between OTERO and COTELL:

COTELL: Did you leave?

OTERO: Nah I'm still around Hyannis.

COTELL: Oh alright, I want to see you.

OTERO: Oh yea.

COTELL: I had to drive to Taunton to get a drug test today, my probation officer called me this morning.

OTERO: Yeah.

[voices talking over each other]

COTELL: Soooo I want to see you.

OTERO: Pull up, I'm at Crossroads.

COTELL: Uh, who you with?

OTERO: Myself, I'm with my man but he's gonna stay in the crib. You don't know him. He's from Providence.

COTELL: Alright, I'm about to go over there.

OTERO: Aight, word.

15. Investigators established surveillance in the area of OTERO's residence at the Cape Crossroads Condominiums, located at 800 Bearses Way, Apartment 1NC, in Barnstable. At approximately 5:37 p.m., investigators observed OTERO exit Apartment 1NC and walk to the parking area for the apartment complex. At approximately 5:45 p.m., agents observed a black Saab 97X vehicle (the "Saab") bearing Massachusetts registration 8PD645, and registered to COTELL, as it parked in the same area where agents had last seen OTERO. About one minute later, agents observed OTERO exit the Saab and walk back upstairs and into his apartment, 1NC. At approximately 5:50 p.m., investigators observed OTERO exit apartment 1NC and return to the front passenger seat of the Saab. He sat in the Saab for approximately three minutes, then got out of the vehicle and returned to his apartment.

16. At approximately 5:54 p.m., investigators observed COTELL drive her Saab away from OTERO's condominium complex. Agents followed COTELL until she parked her Saab on Shady Lane, a dirt road. At approximately 6:04 p.m., agents could hear a branch breaking and a car door closing and could see brake lights from the Saab. At approximately 6:06 p.m., agents followed COTELL as she drove the Saab away from Shady Lane to her home at 414 Oakland Road in Hyannis. As agents followed her back to her home, COTELL called OTERO and stated, "I'm worried that you're going to tell him." OTERO responded, "Nah, he's about to pull up though, but I [ain't] telling him shit."

17. Meanwhile, agents who remained in the vicinity of Shady Lane searched the area with the assistance of a narcotics-trained K-9. The dog alerted to an area a few feet from where COTELL had been parked. Agents found a cigarette box hidden under some leaves. Inside the box, investigators found a knotted plastic baggie containing an off-white powdery substance. Agents also recovered a plastic baggie with a cut-off corner. Based on my training and

experience, I know that drug dealers commonly cut corners off baggies to package drugs for street-level sales. There was also white powdery residue inside the cut-off baggie. After seizing the bag filled with off-white powder, agents placed a different cigarette box back under the leaves. Agents sent the bag with off-white powder, the original cigarette box, and the cut-off baggie to the DEA's Northeast Regional Laboratory for testing, which confirmed the substance was approximately 9.6 grams of heroin.

18. At approximately 7:19 p.m., investigators observed COTELL drive the Saab away from her home on Oakland Road. At approximately 7:46 p.m., COTELL arrived back at the wooded area on Shady Lane. Agents were still in the area and saw COTELL park, get out of the Saab, and walk into the wooded area where she had hid the cigarette box that was seized. Agents observed COTELL pick up the cigarette box, examine the contents and heard her say, "What the fuck!?" COTELL then reached around the ground in the area for a few seconds before returning to her car. After a few seconds, COTELL went back to the wooded area, where she searched and dug around the ground before returning to the Saab. Agents then saw the Saab drive off at a high rate of speed.

19. At approximately 7:52 p.m., COTELL called OTERO. When OTERO did not pick up, COTELL immediately called him back:

OTERO: Hello.

COTELL: Yo.

OTERO: Yo.

COTELL: Yo are you sure you didn't tell this nigga you've seen me?

OTERO: Bro on my kids to drop dead right now what's wrong with you bro?

COTELL: Listen to me, listen to me dog, listen to me, I left from you and I went to this, this spot and I put my shit away bro and he left from you. My shits gone my nigga! He knows that I . . . He went and took my shit bro!

OTERO: Check this out on kids life Brook, right now to drop dead, my son's in the hospital right now Little E, Little E to drop dead right now . . .

COTELL: O my god nigga. This shit is mad crazy! Bro my shit is gone nigga! This is mad crazy bro, I'm mad stressed out nigga because nigga this, this fucks me all the way up. I need you to help me you heard?

OTERO: Yeah, yeah call me, hey . . .

COTELL: I'm dead ass about to cry nigga.

OTERO: Call me in the morning when you can come out the house.

COTELL: I can't get out until eight. Are you going to be here?

OTERO: I don't know. I'm going to be around here somewhere, yeah. Just hit me. Call me in the morning.

COTELL: I dead ass need you to help me. I could give you half up front.

OTERO: Yo listen, just hit me in the morning alright. I don't want to talk, I don't really want to keep . . . feel me?

COTELL: Okay please don't please don't forget about me.

20. Based on my training and experience and my work on this investigation, I believe COTELL called OTERO to tell him that someone had taken the drugs she had just purchased from him after she hid them in the woods. I also believe that COTELL asked OTERO to give her more heroin, explaining that she could pay for half of the drugs up front. I also believe that COTELL intended to distribute the drugs she hid in the woods because ten grams of heroin is inconsistent with personal use, because investigators located a corner-cut baggie consistent with repackaging for distribution, and because I know that COTELL is on federal supervision following another drug distribution charge, for which she is subject to drug screening herself.

21. The following day, April 30, 2019, at approximately 1:15 p.m., COTELL called OTERO and told him that she was outside. OTERO told COTELL to come up to his apartment. I believe OTERO again supplied COTELL with heroin to replace the drugs agents seized the day before.

22. OTERO, LOPES, and ZANGRANDE. On May 4, 2019, agents intercepted a series of calls to and from OTERO's cellular telephone where, on two occasions, OTERO directed LOPES to distribute heroin, once to a suspected drug user ("BUYER 1"), and then to ZANGRANDE.

23. Early in the morning, BUYER 1 asked to meet with OTERO and asked if he was in Hyannis:

OTERO: I'm not in Hyannis but my people are in Hyannis.

BUYER 1: Yeah, is there any chance I could meet someone?

OTERO: What you got?

BUYER 1: A hundred.

OTERO: Aight, let me call you right back.

24. Later that day, at approximately 12:30 p.m., BUYER 1 called OTERO back and told him he now had \$150 ("Yo, make it one five") and OTERO responded, "Aight." When BUYER 1 asked OTERO if it the deal was going to happen soon, OTERO told him he was putting it together and to give them twenty to thirty minutes. At 1:06 p.m., BUYER 1 sent OTERO a text message: "?" At 1:23 p.m., OTERO called BUYER 1 and assured him, "I'll call you as soon as they call me but they on your back, they got you."

25. At approximately 2:37 p.m., OTERO called LOPES, his mother:

OTERO: I got someone bringing you some money over there right now for me in a minute . . . I got two people, actually.

LOPES: OK, well, umm, I just talked to the lady, and she can only do my hair . . . she could have done it today but I didn't think she could have.

OTERO: Today would have been the best day because I'm running around here for a minute.

LOPES: Today or Monday. So I think I'm gonna sleep at your house tomorrow night, tomorrow, and just do my hair Monday. She said she can do it.

OTERO: OK, Mom.

LOPES: So how would I just get there though?

OTERO: Nigga, just drive up here.

LOPES: I can't cause I gotta stay over cause the girls need the car for work.

OTERO: I'll come get you.

LOPES: Eight, yeah yeah I'm just gonna go tomorrow night and come home Monday night.

OTERO: Check this out real quick, I'm about to give you the money for your hair right now. Watch this, go in the closet, in the living room, you got that blue sneaker?

LOPES: No, but . . . I'm, yeah.

OTERO: You got that little thing that's in there?

LOPES: What about it?

OTERO: You got it, right?

LOPES: [In background]: "Baby Edwin don't run like that for me."

OTERO: It's like a little bag, a little thing.

LOPES: Yes . . . there's nothing in there . . . in the Nike? Oh, yeah, yeah.

OTERO: Grab the thing, grab the thing right that you put it on and put out 2, it just says 2, ok?

LOPES: I don't know.

OTERO: I'm about to have him bring you some bread right now for your hair. I'm about to have two people bring you some bread.

LOPES: No wait a minute, hold on . . . what do you want, say that again, just call [OTERO's sister].

26. Based on my training and experience and my work on this investigation, I believe that OTERO directed LOPES to a location in his apartment where he had stored a quantity of heroin inside a sneaker. OTERO directed LOPES to take out the heroin and put it on a scale ("grab the thing right that you put it on") and measure out "2" ("put out 2, it just says 2, ok").

27. At 2:39 p.m., BUYER 1 again texted OTERO: "?" OTERO then called BUYER 1, told him to go to "Crossroads" (i.e., OTERO's Hyannis apartment), and to park, and that someone would come out to meet him. At approximately 3:10 p.m., agents on surveillance observed BUYER 1 park his car in in the vicinity of OTERO's Hyannis apartment. OTERO called BUYER 1 and told him, "She'll come down the stair. She can't go too far." At approximately 3:11 p.m., agents observed BUYER 1 meet with one of OTERO's sisters near stairs to OTERO's Hyannis apartment building. BUYER 1 then got back into his car and drove off. A short distance away, agents stopped BUYER 1's car and recovered a plastic bag containing approximately 2.5 grams of an off-white powdery substance, which I believe, based on my training and experience, to be heroin.

28. Later that night, OTERO coordinated another drug sale to ZANGRANDE who purchased approximately \$100 worth of heroin, which was picked up from LOPES at OTERO's Hyannis apartment. At approximately 6:28 p.m., ZANGRANDE called OTERO:

ZANGRANDE: My boy with the van, he wants to know if you can get him seven.

OTERO: A what?

ZANGRANDE: Seven.

OTERO:           Absolutely.

ZANGRANDE:    He gonna come up there tonight. And I wanna know if I can go see your sister real quick for a hundo.

OTERO:           A hundo?

ZANGRANDE:    Yea.

OTERO:           Yea, when?

ZANGRANDE:    Right now.

OTERO:           Yea, when's your boy gonna come?

ZANGRANDE:    I'm going to your mom's now, then I'm gonna go home and shower and call him and I'll call you back on the . . .

OTERO:           Aight.

ZANGRANDE:    I'm gonna see your sister right now.

29.    Almost immediately after hanging up with ZANGRANDE, OTERO called LOPES:

OTERO:           Hey mom.

LOPES:           Hello, what?

OTERO:           That little bag that I gave you, what [she] did earlier, do the same thing. Except instead of the two in one, just do one, and they gonna give you a hundred bucks. How much did you get? 300?

LOPES:           What?

OTERO:           Ya heard me?

LOPES:           What? Say that again.

OTERO:           Vinnie is about to go over there and give you a hundred bucks. So just the same thing you did earlier for the two, just do one in the bag, aight?

LOPES:           Oh man, I ran outta baggies.

OTERO:           Put it in something. Grab something. But listen, he's about to give you a hundred. But make sure it says one. Just one. Not one point nothing. Just

one. Do it before he gets there. Do it before he gets there, ok? Don't let him see you doing it. He's gonna get a hundred. So that's 250 you got, and I'm gonna send somebody else too. So you'll have 350. Four or five tonight or something. So that's enough to do your hair, right?

LOPES: Are you gonna come get us tomorrow?

OTERO: Yea Mom! I'm just having you make your own hair money bro. You don't do nothing. Just do it. I'm gonna come get you of course! Make sure it says one, Mom! One...one...that's it! Aight bye.

LOPES: Bye.

30. Based on my training and experience and my work on this investigation, I believe ZANGRANDE told OTERO that he wanted to purchase \$100 worth of heroin ("hundo") and that he would pick up the drugs from LOPES. I believe OTERO called LOPES and told her to prepare one gram of heroin for ZANGRANDE to pick up ("Just do one, and they gonna give you a hundred bucks.... Vinnie is about to go over there and give you a hundred bucks. So just the same thing you did earlier for the two, just do one in the bag, aight?").

31. At approximately 6:36 p.m., surveillance observed ZANGRANDE pull into the parking lot of OTERO's Hyannis apartment complex in a white SUV. ZANGRANDE then walked up the stairs, knocked on the door to OTERO's apartment, and entered. At approximately 6:41 p.m., agents observed ZANGRANDE exit OTERO's apartment and drive the white SUV away from the area. At approximately 6:44 p.m., LOPES sent a text message to OTERO which read: "10\$ short." Based on my training and experience and my work on this investigation, I believe LOPES handed ZANGRANDE the heroin he ordered from OTERO inside OTERO's apartment. I further believe that LOPES then informed OTERO that ZANGRANDE had only paid \$90 for the heroin instead of \$100 ("10\$ short.").<sup>1</sup>

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<sup>1</sup> While these calls make clear that OTERO provided ZANGRANDE with heroin, agents also intercepted several OTERO calls that made clear that ZANGRANDE was a driver for

32. OTERO, JOSEPH, and FRAY. Throughout this investigation, agents intercepted numerous calls between OTERO and JOSEPH which made clear that the two men worked together and relied on each other to distribute narcotics. Agents identified FRAY as a drug dealer who was supplied by OTERO.

33. On March 15, 2019, for instance, at approximately 3:27 p.m., OTERO called JOSEPH:

JOSEPH: Shit waiting for you.

OTERO: You fuckin with me tonight bro?

JOSEPH: Ya but I ain't got no outfit or nothin' but I'll fuck with you.

OTERO: Yo, I'm saying, check this out right. Saying if I bring some music down

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OTERO (who does not have a valid driver's license) and a runner for him. On March 18, 2019, for instance, OTERO received an incoming call from JOSEPH. OTERO explained to JOSEPH, "But bro the reason why I got Vinny (ZANGRANDE) is so he can drive us around and we don't got nothing to worry about nigga and he say whatever is his bro, that's his job. . . . The only reason why I have his ugly ass with me every day is to get me from A to B, it's my friend yes but. . . ." I believe that OTERO told JOSEPH that ZANGRANDE is a driver for him, and that ZANGRANDE's job is to take responsibility for any drugs discovered in the vehicle as the driver if they should ever encounter law enforcement. On March 21, 2019, at approximately 4:53 p.m., electronic surveillance captured the Chevy Equinox ZANGRANDE rented depart from Cape Cod and travel northbound over the Sagamore Bridge. At approximately 5:28 p.m., OTERO called ZANGRANDE and asked, "What's the word?" ZANGRANDE replied, "My GPS says 15 minutes." Approximately fifteen minutes later, ZANGRANDE called OTERO and said, "Yo I am here dawg." OTERO replied, "Alright, do the 2-5-0." ZANGRANDE confirmed, "The 2-5-0?" OTERO then responded, "Ya." I believe that ZANGRANDE drove off of Cape Cod at the direction of OTERO in order to obtain 250 grams of narcotics. At approximately 7:08 p.m., electronic surveillance captured the same Chevy Equinox as it travelled back across the Sagamore Bridge onto Cape Cod. The following morning, at approximately 8:51 a.m., OTERO called ZANGRANDE and said, "Yo bro, come over bro bring the . . . just come over." I believe OTERO told ZANGRANDE to come over with the narcotics he had obtained the night before. At approximately 9:17 a.m., OTERO called JOSEPH and told him, "I got like another crazy mix tape, but it looks way better bro, it's like an optical illusion type situation, ya know? JOSEPH responded, "Yea, I don't care. Do whatever the niggas sell bro." I believe OTERO told JOSEPH, in his music-themed code, that he had just obtained, and possibly mixed up, a new supply of narcotics that had been picked up by ZANGRANDE the night before.

there bro you could get it jumping?

JOSEPH: Some what?

OTERO: Want me to bring a little bit of music so you could get it jumping for us bro?

JOSEPH: Hell ya, let's get this shit jumping.

OTERO: Aight, I'm bring, aight.

34. JOSEPH and OTERO then discussed a location for meeting up. I believe OTERO was using the code “music” to refer to narcotics, and that the two men were coordinating a narcotics transaction. I believe OTERO planned to bring drugs (“a little bit of music”) for JOSEPH to sell to customers (“so you could get it jumping for us bro.”).

35. Likewise, on March 22, 2019, OTERO called JOSEPH and told him, “I got like another crazy mix tape, but it looks way better bro. It's like an optical illusion type situation, ya know? JOSEPH responded, “Yea, I don't care. Do whatever the niggas sell bro.” Later in the conversation, OTERO asked JOSEPH what he was doing, and JOSEPH responded, “Just getting this shit out to people man. Just tryna get shit passed out.” I believe OTERO told JOSEPH, in his music-themed code, that he had just obtained a new supply of narcotics (“I got like another crazy mix tape”), and JOSEPH later told OTERO that he was distributing narcotics to his customers (“Just getting this shit out to people man.”).

36. On April 6, 2019, beginning at approximately 2:54 p.m., OTERO and JOSEPH exchanged a series of text messages (all typographical errors in original):

OTERO: Tell ur man do the 9 for 85 and we want it right now right now. Tell him we gonna but another 9 if we bring it and they like it tonight he ain't gonna have to even wait. That's 34 tho tell him we just tryna make it work for us then we gonna b good.

JOSEPH: Ill call wen we get to home depot.

OTERO: Yea wait till ur free but let's get it and get it back and grab this bread it's waiting right now.

JOSEPH: Lol

OTERO: ?

JOSEPH: He trying to say he was giving me da best deal cuz it was me at 36. But fuck it lets give him 8700 n imma tell him dats all i got. If anything ill pay him bac next time we grab something, worst case

OTERO: Aight tell him let's go. I'm ready to get going.

37. I believe JOSEPH and OTERO were discussing purchasing narcotics (“Tell him we gonna [buy] another 9 if we bring it and they like it”) and were specifically discussing the pricing (“Tell ur man do the 9 for 85,” “Lets give him 8700 n imma tell him dats all i got. If anything ill pay him bac next time we grab something.”). Later that evening, at around 11:30 p.m., electronic and physical surveillance captured OTERO travel from Rhode Island to Cape Cod. Agents observed OTERO meet separately with BAAMS and at least one other individual. Based on the timing, I believe OTERO provided BAAMS with narcotics, and I believe that those narcotics had been obtained from the male JOSEPH and OTERO were discussing in their text messages.

38. On April 16, 2019, JOSEPH was arrested after leading police on a high speed chase on Interstate 195 following an attempted traffic stop. When police ultimately stopped the vehicle, JOSEPH was identified as the driver, and OTERO was identified as the passenger. Though a K-9 alerted to an area under the seat of the car, no narcotics were found. JOSEPH was arrested and charged with reckless operation of a motor vehicle and other moving violations, but OTERO was released. JOSEPH was subsequently released on bail.

39. On April 19, 2019, OTERO called FRAY. Among other drug-related topics discussed, OTERO told FRAY that he needed to get more drugs to make back money following the car chase:

OTERO: Fuck you want me to do, pull the money out my ass? I'm basically telling them, but it's like, bro, I doesn't want them to take my shit because it's like, that's how I have to make the rest of the money to pay them. I've done spent money nigga. I threw that shit away on the highway, you know what I mean? So it's like, I need that shit to make this bread. And the same thing with Jus bro, Jus got a whole bunch of shit nigga, and he has to bust moves. He can't be sitting around right now. You know? Not only that, his lawyers gonna cost 10-15 G's, for these charges you know what I mean? So it's like this nigga's gotta get this bread up bro.

Fray: Who the boy Jus?

OTERO: Yea nigga, bro, Krymeii, that's what got me fucked up bro. That's why I'm not giving them no money nigga. But it's like I had to throw that shit out. What you want me to do? I wasn't gonna go to jail with it bro, you would rather me do that, you know what I mean?

40. Based on my training and experience and my work on this investigation, I believe that OTERO told FRAY that he had drugs with him when he was in the vehicle with JOSEPH at the time of the high speed chase, and that he had to throw the drugs out of the car so that he would not get caught with drugs when the police eventually stopped them.

41. On April 19, 2019, at approximately 12:55 p.m., OTERO sent a text message to FRAY:

I had some they gave me now jus don't no where it's at I told him kno it it in the bag I look round my sister whole room it ain't there he acting like he don't kno I have hella out that they won't even let me touch and jus has hella both girl and the both they ain't letting us busy moves cause this bread we owe I told them give me a few to get some bread together and they said coo just don't fuck round so hopefully few ppl come like they said and everyone happy I need all my music bro I got to much shit out and ppl that need more so I don't kno how they don't see this but it's slowing me down feel me.

Based on my training and experience and my work on this investigation, I believe OTERO was telling FRAY that he needed more drugs in order to pay back money he owed to his source of supply and because he had customers that were looking to buy drugs from him. Based on other coded exchanges with OTERO, JOSEPH, and others, I believe the term “music” refers to narcotics, likely heroin, in this text message.

42. On April 25, 2019, agents in an unrelated investigation arrested Manuel Pina-Agee and several other individuals from southeastern Massachusetts on federal drug trafficking charges. See United States v. Pina-Agee et al., No. 19-1039-DLC. Agents intercepted conversations between OTERO and Pina-Agee before Pina-Agee was arrested. On April 26, 2019 (i.e., the day after Pina-Agee’s arrest), agents intercepted OTERO as he discussed the arrest with several people. For example, at approximately 9:07 a.m., OTERO called his girlfriend and told her, “The feds got Manny.... They kicked his shit in at one something in the morning.” OTERO told her that, after hearing the news about Pina-Agee, he has been losing his mind and was up all night nervous and sweating. At 10:11 a.m., OTERO called JOSEPH and told him that the “feds got this nigga last night at like six in the morning.” OTERO then told JOSEPH, “This shit’s not good.” At approximately 11:27 a.m., OTERO spoke to another male about Pina-Agee’s arrest, noting that Pina-Agee told OTERO to stay off the phones and not talk on the phones because “some crazy shit” was going on, and look what happened to him. At approximately noon, OTERO called JOSEPH back again to discuss more about the Pina-Agee arrest. JOSEPH asked OTERO, “Does that have anything to do with us?” OTERO responded, “It’s just my bro.”

43. On April 27, 2019, OTERO spoke to LOPES, his mother. LOPES asked OTERO, "Do you think they have him investigated, like they investigating us?" OTERO responded, "Ya, mom, he said absolutely. He already told me."

44. On April 20, 2019, at approximately 9:30 a.m., OTERO called FRAY:

OTERO: Hey I'm about to send you this little chop bro, right. I'm gonna have you get this shit. It's for a hundo bro, alright

FRAY: For a hundo?

OTERO: Yea, but yo listen. Check this out. Make this shit look nice bro, cuz he ain't gonna to buy it if it don't look nice. But he's got money. And another thing, charge him seven.

FRAY: Seven?

OTERO: Yea.

FRAY: Alright, what time?

OTERO: He just called me just now. He's been calling me all night. But what I'm saying is, are you already around Hyannis?

FRAY: I'm about to turn back.

OTERO: I'm saying, you don't gotta turn back if you're going to do something. Go do something, eat, and shit.

FRAY: Yea, yea. I was gonna go, I was just gonna get some money for my dad real quick.

OTERO: Yea, no, go do that. He told me he was just getting up. But, what I'm saying, he's on it my nigga...

(OTERO and FRAY talked over each other)

FRAY: I didn't even, I didn't even open um, my package yet bro, no bullshit. I could make everything. How do I make it back a rock?

OTERO: What do you mean? It's not rock.

FRAY: No, like how do I build it like a rock?

OTERO: Bro, the thing is, listen right. I'm gonna charge him seven, but bro don't put nothing on it, leave it as it is cuz he's good money. He's my usual money, but the thing is these niggas...

FRAY: Oh, oh, alright.

OTERO: These niggas' got my backpack and I can't touch it bro, you know.

FRAY: Okay, okay, I got you.

OTERO: But I'm saying, it puts a quick seven G'S in your pocket, you know what I mean?

FRAY: Alright, say no more.

OTERO: But listen to me bro, make sure it's all looks...When you get home, just call me so I can look at it bro. Cuz I do this with this nigga every, every almost every two weeks, you know what I mean.

FRAY: Alright say no more. When I get home I will call you.

OTERO: Alright.

45. Based on my training and experience and my work on this investigation, I believe OTERO told FRAY to sell approximately 100 grams ("hundo") of heroin for \$7,000 ("7 G's") to one of OTERO's customers. I believe OTERO told FRAY not to mix or "cut" the heroin ("but bro don't put nothing on it, leave it as it is cuz he's good money"). Approximately two hours later, at around 11: 28 a.m., OTERO called FRAY and told him that his "dude" was "putting his shit together" and then would go to FRAY.

46. At approximately 1:12 p.m., OTERO called FRAY and told him that the customer had "55" on him and was just waiting for the last couple of dollars before he would go to FRAY. OTERO reiterated to FRAY to be sure the drugs were exactly how FRAY gets them from him because the customer always "fucks with it." FRAY told OTERO, "I'm just going to take it out of the one fifty." OTERO told FRAY to make it look nice because the customer is picky. FRAY stated that he would be picky too "for 7 bands." OTERO stated that as soon as the customer is

ready, he is going to send him to meet FRAY. Based on my training and experience and my work on the investigation, I believe OTERO told FRAY that the customer had \$5,500 (“55”) and was waiting to get the rest of the \$7,000 before meeting FRAY. I believe OTERO told FRAY to make sure the drugs were not cut or mixed with anything because the customer always cuts the drugs himself (“fucks with it.”).

47. During the investigation, agents used interceptions,<sup>2</sup> precise location information from OTERO’s cellular telephones, and a stationary pole camera to identify a second residence for him, 49 Grotto Avenue, Apartment 1, in Pawtucket, Rhode Island. Agents also determined that JOSEPH resided there as well. Based on intercepted communications and surveillance, I believe OTERO and JOSEPH use this apartment as a stash location and also conduct drug sales from that address.

48. On April 30, 2019 at approximately 11:36 a.m., BASILICI – who lives in an apartment on the third floor of 49 Grotto Avenue – called OTERO to warn him that police were in the area. BASILICI asked OTERO if his apartment was “clean.” Agents overheard OTERO asking a male, believed to be JOSEPH, if he had anything in the apartment. Agents could overhear OTERO say, “You do,” and then OTERO responded to BASILICI, “It’s not clean bro.” I believe BASILICI was asking OTERO if he had drugs in the apartment (or if it was “clean”) because police were in the area. I further believe OTERO asked JOSEPH if he had any drugs in apartment 1, that JOSEPH responded affirmatively off telephone, and that OTERO then told BASILICI that JOSEPH had drugs in the apartment (“It’s not clean bro.”).

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<sup>2</sup> For instance, on April 24, 2019, agents intercepted a conversation where OTERO ordered a pizza to his Grotto Avenue apartment.

49. Additionally, on May 7, 2019, at approximately 4:39 p.m., pole camera footage captured JOSEPH as he walked out of Apartment 1 walking a dog. At approximately 4:44 p.m., OTERO placed an outgoing call to JOSEPH. During this call, JOSEPH told OTERO that he was taking the dog for a walk because he “had a play.” JOSEPH returned to Apartment 1 at approximately 4:50 p.m. Approximately thirteen minutes later, at around 5:03 p.m., pole camera footage captured a gray sedan pull up in front of 49 Grotto Avenue. JOSEPH then walked out of the building, walked up to the passenger side window of the gray sedan, and leaned in the open window. After about thirty seconds, JOSEPH backed away from the gray sedan and reentered 49 Grotto Avenue as the sedan drove away. A few minutes later, at approximately 5:07 p.m., JOSEPH exited the front of 49 Grotto Avenue again and sat on the front step. At approximately 5:09 p.m., a black Nissan Pathfinder stopped in front of 49 Grotto Avenue. The driver got out of the vehicle and met with JOSEPH on the sidewalk. The two men then walked together into 49 Grotto Avenue. Approximately two minutes later, at around 5:11 p.m., the driver of the Nissan walked out of the building, got back into the Nissan, and drove away. Based on my training and experience and my work on this investigation, I believe JOSEPH told OTERO that he would be conducting a drug transaction (“a play”), and further believe that JOSEPH conducted hand-to-hand drug transactions with each of the two vehicles that arrived at 49 Grotto Avenue.

50. OTERO and BAAMS. On March 11, 2019, at approximately 3:47 p.m., agents intercepted a call between OTERO and BAAMS. BAAMS told OTERO that he needed to see him and asked, “The thing I usually grab, can you sleeve it to me for one hour bro? I’ll go to Wellfleet and then come right back.... Put the 2 ½ together for me, just the 2 ½ on the sleeve right, until I collect, so I can go see you and then go see this kid, collect all my money and give him more. Then I’m gonna leave at like three something and come and see you with it all.” At

approximately 3:51 p.m., BAAMS sent a text message to OTERO's cell phone, "U got my word bro I'll go n come right right back plus some mamis lol." At approximately 4:17 p.m., BAAMS sent another text message to OTERO, "Got bread too rn so do one n sleeve 1 if u can I'll be bac in 2 hrs on my unborn." Based on my training and experience and my work on this investigation, I believe that, during the call, BAAMS was asking OTERO to front or provide on credit two and a half "fingers" of heroin so that he could deliver some of it to a customer in Wellfleet and pick up money to pay OTERO. I also believe that, in the text messages, BAAMS continued asking OTERO to provide him with one finger on credit ("sleeve 1"). I know from my training and experience that the term "finger" is a street term used by dealers and users to represent a 10 gram quantity of heroin that is compressed into a cylindrical shape, resembling a finger.

51. On March 24, 2019, at approximately 11:48 p.m., investigators intercepted a call between OTERO and BAAMS where BAAMS asked if OTERO was going to be coming out to Cape Cod the following day. OTERO responded saying he would travel there if needed, and asked BAAMS why he wanted to know. BAAMS responded, "I dunno like three bills." Later in the call, OTERO told BAAMS he was actually on Cape Cod at that moment but did not want to tell anyone because he was not going to be there long. OTERO then told BAAMS that if he wanted to come quickly, they could meet. BAAMS asked where to meet OTERO, and OTERO responded, "Come to Cross, bro." I believe OTERO told BAAMS to meet him at his residence at the Cape Crossroad Condominiums so that OTERO could supply BAAMS with approximately \$300 worth of narcotics.

52. On March 30, 2019, at approximately 10:34 p.m., OTERO received an incoming call from BAAMS, who asked, "When you coming out here?" OTERO replied, "Tomorrow."

BAAMS told OTERO, "We gotta get lunch." OTERO replied, "Why?" BAAMS explained, "Cause I'm ready." OTERO then responded, "Oh, I'll be out there." The following day, at approximately 12:38 p.m., OTERO called BAAMS and arranged to meet with him. During the call, OTERO asked BAAMS where he was, and who he was with. OTERO then told BAAMS, "Well check this out. I'm out here right now bro if you want to get with me." BAAMS asked, "Yeah, so you want to come through here?" OTERO replied, "Do you want me to?" BAAMS responded, "Yeah go to quarterdeck." Approximately 20 minutes later, OTERO called BAAMS again, and asked, "You want to come out back?" BAAMS responded, "Yeah, you out back?" OTERO stated, "Pulling in right now yeah." BAAMS said, "Alright, I'll be right out." The next day, on April 1, 2019, at approximately 2:31 p.m., OTERO received an incoming call from BAAMS. BAAMS asked OTERO where he was and OTERO explained that he was out (likely in Rhode Island) but was going to be back (likely on Cape Cod) later. BAAMS told OTERO, "Aight, I um, I'm going to hit you later about good look for breakfast yesterday. That shit was official." Based on the series of these calls, I believe that BAAMS was previously supplied with narcotics by OTERO. BAAMS then informed OTERO that he was "ready," meaning that he had sold all his narcotics and had money to return to OTERO. I further believe that OTERO met with BAAMS on March 31, 2019, received money, and provided BAAMS with more narcotics. I also believe BAAMS then informed OTERO on April 1, 2019 that the narcotics were of good quality ("That shit was official.").

53. OTERO and BRANDO. On May 10, 2019, at approximately 11:05 a.m., OTERO called BRANDO from Target Telephone 2:

OTERO: Check this out right, I need you to help me out today bro, right. I got a whole bunch of music wit me, right?

BRANDO: Yea.

OTERO: When my bro gets here, I told you he was coming [U/I] a car, right bro. I gotta be ready ready bro. So listen, try to help me get rid of some of his music, and do the best you can do too bro.

BRANDO: Aight, aight.

OTERO: He's on my back nigga he...today, today.

BRANDO: Aight, let me call this kid, see fuckin' I can try to get him the fuckin thing but I'm gonna have to go over there with a grizzly ... I went over there with of the other shit the other day and he just didn't wanna do nothing with it. I was like, you gotta wait a couple days. I'll come back, see if you wanna do something with this. I'm tryna grab a new [U/I]I was tellin' you about.

OTERO: Yea, well bro, hit everybody you can hit though. Cause, listen my nigga. My bro is on my back today!

BRANDO: Aight bro.

OTERO: It's here. I got the music with me already, ya know.

BRANDO: I ain't trippin. I got music left but nigga we'll just get that outta the way.

OTERO: Nah it ain't about gettin it outta the way, I need as much chicken as I can bro.

BRANDO: Aight, let me get on it right now & see what's up.

OTERO: Good looks bro.

54. I believe OTERO called BRANDO looking to give BRANDO more drugs to sell (“music”), because OTERO needed money (“chicken”) and (“Try to help me get rid of some of his music.”). I believe BRANDO told OTERO that he still had some drugs from OTERO, but that he would sell those drugs (“I got music left but nigga we'll just get that outta the way.”)

55. The following day, May 11, 2019, at around 3:03 p.m., OTERO called BRANDO and told him that he was, “jumping on the road now” and “already got your music.” I believe OTERO was telling BRANDO that he was on his way to meet BRANDO with the drugs. BRANDO told OTERO to, “hit the woods as soon as you’re ready.” Based on the intercepted

calls and surveillance to date, I believe “the woods” refers to BRANDO’s residence on Old Mill Road in Osterville (“Old Mill Road”). After exchanging a few logistical calls, at approximately 6:28 p.m., OTERO called BRANDO. BRANDO stated that he was, “out here in the woods right now.” OTERO told BRANDO he would meet him there at the woods. At approximately 7:09 p.m., OTERO called BRANDO to ask where he was. BRANDO stated that he was coming right now. OTERO asked if BRANDO wanted him to “pull over there.” BRANDO said, “No, no, no, I’m pulling up.” At approximately the same time as this brief call, around 7:09 p.m., investigators conducting surveillance at Old Mill Road observed OTERO arrive in a vehicle driven by a woman and, shortly thereafter, observed BRANDO arrive in a separate vehicle. At approximately 7:18 p.m., investigators observed both vehicles depart BRANDO’s residence on Old Mill Road. Based on my training and experience, and my work on this investigation, I believe OTERO was driven by a women to BRANDO’s residence to provide him with narcotics.

56. OTERO and JOSHUA. On April 24, 2019, at approximately 7:49 p.m., JOSHUA called OTERO and asked if he was going to be around that night. OTERO told JOSHUA that he was trying to get a ride down but that JOSHUA could “get” with his sister because she was “ready.” At approximately 9:06 p.m., OTERO called JOSHUA and told him “she isn’t going to want to go all the way to Mashpee, but that she could probably meet JOSHUA tomorrow. Based on the investigation to date I believe JOSHUA lives at 153 Main Street/Route 130 in Mashpee, Massachusetts.

57. The following day, April 25, 2019, at approximately 10:34 a.m., JOSHUA called OTERO. OTERO told JOSHUA to go to “Crossroads” (OTERO’s Hyannis apartment). At approximately 1:48 p.m., JOSHUA called OTERO again. OTERO stated that he would “be

there in an hour." At approximately 3:06 p.m., JOSHUA called OTERO, who said that he would be "there" in about two and a half minutes.

58. Between approximately 2:28 p.m. and 2:44 p.m., investigators conducting surveillance observed OTERO, JOSEPH and ZANGRANDE in the parking lot of OTERO's apartment building near a Nissan SUV and a Dodge Durango. At approximately 2:44 p.m., the Durango departed the area of OTERO's residence. At approximately 2:47 p.m., investigators followed the Nissan, with an unknown driver and/or occupant, as it departed from the area of OTERO's Hyannis apartment. At approximately 3:07 p.m. the Nissan was observed at a gas station on Falmouth Road in Cotuit. At approximately 3:09 p.m., investigators observed JOSHUA walk from his residence toward a different gas station at 135 Main Street, Mashpee. 135 Main Street is located approximately 300 feet from JOSHUA's residence, and a little over a half-mile from the gas station where the Nissan was first observed. Approximately one minute later, at around 3:10 p.m., investigators observed JOSHUA walking away from the gas station at 135 Main Street, back in the direction of his residence. At approximately 3:15 p.m., investigators observed the Nissan exit the driveway of the 135 Main Street gas station and drive away from the area.

59. I believe OTERO or another member of his drug cell drove in the Nissan to meet JOSHUA at the gas station at 135 Main Street in Mashpee to conduct a drug transaction. I believe JOSHUA walked directly from his home to conduct the transaction and then returned back home with the drugs.

60. On May 4, OTERO called JOSHUA and told JOSHUA to "walk over there" because "he's about to pull up." JOSHUA told OTERO he would "be there in one minute." Based on the proximity between JOSHUA's residence and the gas station located at 135 Main

Street, I believe OTERO told JOSHUA to walk to the same gas station as on April 25, 2019 to meet one of OTERO's runners to obtain drugs.

61. On May 7, 2019, at approximately 1:45 p.m., JOSHUA called OTERO and told him that he "should be good late tomorrow or the day after." I believe JOSHUA told OTERO that he would soon have the money he owed OTERO for the drugs he had previously received.

62. The following day, May 8, 2019, at approximately 7:15 p.m., JOSHUA called OTERO:

JOSHUA: I ain't tryna do all that through text. I'm just telling you, nigga, what the feedback is. It's getting harder and harder to get that shit off. Niggas don't like the taste. Niggas don't get em off, E. Shit like that. I'm just tellin' you what it is

OTERO: I'm already known, but I feel you. But listen, check this out, it's your people fuckin' with you bro. Cause listen, it's the same exact thing, you know.

JOSHUA: I understand that, but I been lost customers out there. I been tryna tell you that shit.

OTERO: Ohhh, oh, oh. I understand what you're sayin'.

JOSHUA: I literally lost every customer I ever had E. Everybody I have now is just tryna get the shit off E. Nobody wants to touch that shit.

OTERO: Aight.

JOSHUA: I'm just lettin you know, my nigga. You help me out, my nigga, we can move this shit fast as fuck nigga. If it's good, my nigga. Niggas just don't want the shit.

OTERO: Aight.

JOSHUA: Talk to me my nigga, like, what's going on?

OTERO: [unintelligible] that's what I'm sayin. So obviously we gonna have to something different.

JOSHUA: Yea, like some real dope, my nigga.

OTERO: We gotta just stop talkin' about that shit.

JOSHUA: What's up?

OTERO: We gotta stop talkin...

JOSHUA: It is what it is.

OTERO: I'll do something different bro, ya feel me.

JOSHUA: I need that different. I need some love. I need something.

OTERO: When you gonna be ready, bro?

JOSHUA: In a few days, I told you. This shit's hard as fuck. This nigga just [U/I] for 250.

63. I believe JOSHUA explained to OTERO that he did not have the full payment for the drugs yet ("When you gonna be ready?" and "In a few days.") because he was having trouble selling the heroin as customers were complaining about the quality ("Niggas don't like the taste. Niggas don't get em off" "I literally lost every customer I ever had E"). I believe JOSHUA asked OTERO for better quality drugs to sell ("I need that different. I need some love. I need something." "Like some real dope." "You help me out, my nigga, we can move this shit fast as fuck nigga. If it's good, my nigga.").

64. OTERO and TONY. On May 14, 2019, at approximately 10:13 a.m., OTERO received an incoming telephone call from TONY. OTERO told TONY that he was at his grandmother's apartment, across from a Honda dealership (agents identified this location as 825 West Main Street, Hyannis). TONY stated that he needed "both" and OTERO responded that he had "both." TONY told OTERO that he would get dressed and walk over there. At approximately 10:28 a.m., investigators observed TONY walking from his home, along West Main Street, toward OTERO's grandmother's house. At approximately 10:54 a.m., OTERO received a call on Target Telephone 2 from TONY, who said he was outside. OTERO told

TONY that he was coming out. At approximately 11:25 a.m., investigators observed TONY leave the parking lot of OTERO's grandmother's apartment and walk along West Main Street toward his residence. I believe TONY called OTERO looking for two types of drugs ("both"), possibly heroin and another drug, and that OTERO supplied TONY with "both" drugs from his grandmother's house.

65. On May 15, 2019, at approximately 12:41 p.m., OTERO received a call from TONY on Target Telephone 2. TONY stated that he had people bringing him "4800." OTERO responded, "I was just gonna have you come get wit me bro and we was gonna go grab it bro." TONY replied, "Aight so then come and get with me so we can go out there.... Then what I'mma do is I'm gonna buy a hundred of the other shit and you gonna give me a hundred, know what I'm saying?" A few minutes later, TONY called OTERO to continue the conversation. OTERO asked, "So you wanna go is what you're saying." TONY responded, "Yea." OTERO told TONY that he was "right down the street at my grandmother's." The two then discussed logistics for renting a car or asking a woman for a ride. Based on my training and experience, and my work on this investigation, I believe TONY told OTERO that he was going to have \$4,800 ("4800") and was looking to travel with OTERO to pick up two hundred grams of likely heroin, one of which he would pay for up front, and the other which he would take on consignment ("I'm gonna buy a hundred of the other shit and you gonna give me a hundred").

66. At approximately 12:53 p.m. JOSEPH called OTERO. OTERO asked JOSEPH how much his "man" usually charges "like a stack for each one." OTERO continued, "how much like half of what T got last time. But I don't want it like T got it. I want it soft like know what I mean?" OTERO also told JOSEPH, "I got 4 bands. I got 4500 on me but nigga I gotta keep some money in my pocket." JOSEPH said, "Yea hell yea, we gotta grind. We gotta get

right. So come out.” OTERO then said, “I will. I got more money coming to me.” After further discussing pricing, JOSEPH stated, “I got you. I got you. Let’s go to work. That’s what I’m talking about. I got you. You got 4 bands, we gonna make something happen.” Based on my training and experience and my work on this case, I believe OTERO was contacting JOSEPH to obtain the drugs for him and TONY. I believe OTERO asked JOSEPH for pricing, including the price for half of the quantity TONY obtained from JOSEPH previously (“how much like half of what T got last time.”) I believe OTERO told JOSEPH he did not want a rock or brick-packed drugs like TONY got last time, because he prefers powder (“But I don’t want it like T got it. I want it soft.”). I believe OTERO told JOSEPH that he had \$4,000 to spend on drugs (“I got 4 bands. I got 4500 on me but nigga I gotta keep some money in my pocket.”), and that he had more money coming to him from TONY, as discussed on the prior call with TONY (“I got more money coming to me.”) I then believed JOSEPH told OTERO that he could provide the drugs OTERO was looking for, and told OTERO to come see him (“We gotta get right. So come out.” “I got you. Let’s go to work.”). Based on surveillance showing that JOSEPH was located at the residence he shared with OTERO in Pawtucket, Rhode Island, I believe JOSEPH told OTERO to meet him in Pawtucket. Over the course of the day, OTERO was intercepted as he attempted to find someone to drive him and TONY to conduct the transaction with JOSEPH. Ultimately, OTERO secured transportation from a woman who, throughout the investigation, has been observed driving a black Ford Expedition.

67. At approximately 8:30 p.m., investigators conducting surveillance observed OTERO and TONY as they paced in the parking lot outside of OTERO’s residence at Cape Crossroads. At approximately 8:50 p.m., investigators observed a large SUV arrive at Cape Crossroads, and observed OTERO and TONY enter the passenger side of the SUV.

Investigators followed the SUV and identified it as the Ford Expedition driven by the woman. The Expedition drove to OTERO's grandmother's residence, and to a gas station, before heading toward Pawtucket, Rhode Island. Along the way, the Expedition was stopped by Massachusetts State Police on an unrelated motor vehicle stop and was released. The Expedition arrived two blocks away from OTERO and JOSEPH's Pawtucket residence at approximately 10:27 p.m., and parked.

68. While the Explorer traveled to Pawtucket, OTERO called JOSEPH. JOSEPH told OTERO that his supplier was not picking up his telephone. Based on the intercepted telephone calls and surveillance, I do not believe any transaction was ultimately conducted, and the Expedition travelled back to Cape Cod.

69. On May 16, 2019, at approximately 3:36 p.m., TONY called OTERO on Target Telephone 2 and asked if OTERO was "ready." When OTERO stated that he was ready, TONY stated, "Let's keep it a hundred, right . . . I don't want none of that shit that's motherfucking stepped on like a step child man. I'm saying I want that motherfucking shit I can get out there moving and grooving, know what I'm saying . . . I'm be over there to holla at you. Hey, so we gonna do that one and one, I'm sayin." OTERO said "Aight then we gotta go back to my house to get the rest." TONY told OTERO, "I'm not driving all the way out there." Later, OTERO said, "Why don't you just come grab what I have on me. It's right here . . . It's a buck bro, you wanted two bucks, right?" Based on my training and experience and my work on this investigation, I believe TONY called OTERO because he was still looking for heroin after the deal did not take place the night before. Specifically, I believe TONY and OTERO were discussing whether TONY could get 100 grams ("Let's keep it a hundred") or 200 grams ("we gonna do that one and one") of high quality narcotics ("I don't want none of that shit that's

motherfucking stepped on.”). I believe OTERO told TONY they would have to go to his house in Pawtucket to get the full 200 grams (“Then we gotta go back to my house to get the rest”) and that TONY said he did not want to drive down there again (“I’m not driving all the way out there.”) I then believe OTERO told TONY that he had 100 grams on him (Come grab what I have on me.... It’s a buck bro) while acknowledging that TONY had really wanted 200 grams the night before (“you wanted two bucks, right?”).

70. OTERO Assaults FRAY With a Firearm. On May 8, 2019, agents on surveillance observed ZANGRANDE pick up OTERO and JOSEPH from their Pawtucket apartment and drive them to OTERO’s Hyannis apartment. Agents observed OTERO and JOSEPH get out of the car. At around 7:45 p.m., agents on surveillance saw OTERO and JOSPEH meet with two men in the Hyannis apartment complex. All four got into a car drove to a nearby liquor store and gas station, and then returned to the Hyannis apartment, where agents observed OTERO and JOSEPH enter OTERO’s apartment.

71. At approximately 8:00 p.m., agents observed three people – a female, JOSEPH, and a shorter male wearing a black do-rag – leave OTERO’s Hyannis apartment complex in a Honda Accord which had its trunk tied down with a nylon strap. The shorter male was driving; the female was in the front passenger seat; and JOSEPH was in the back seat. The Honda took a series of back roads to BASILICI’s mother’s address, arriving there at 8:13 p.m. At 8:16 p.m., the Honda left BASILICI’s mother’s home and took essentially the same back-roads route to OTERO’s Hyannis apartment. Agents then observed several people head upstairs in the direction of OTERO’s apartment.

72. At 8:50 p.m., the Honda left OTERO’s Hyannis apartment complex, though from their vantage point, agents were not able to see who entered the car. Agents followed the Honda

as it proceeded in the direction of FRAY's home, located at 63 LaFrance Avenue in Hyannis. Agents observed the Honda drive past FRAY's home and do a U-turn on LaFrance Avenue before it drove past FRAY's home again. The Honda then drove onto a road behind LaFrance Avenue and turned its headlights off before circling FRAY's home again with the lights off.

73. Agents attempted to position themselves to conduct surveillance at FRAY's home. As they were setting up surveillance, agents heard a loud commotion coming from inside FRAY's home. From an open door inside the residence, agents were able to see a group of people involved in some type of physical altercation. Approximately 30 seconds later, agents heard a "pop" sound that they recognized as a gunshot. About a minute later, agents were able to see the Honda leave LaFrance Avenue at an extremely high rate of speed. Agents called for marked Barnstable Police cruisers to attempt to stop the Honda and to respond to FRAY's home.

74. Agents noted that the Honda was traveling in the direction of Osterville and knew that BRANDO's residence was located on Old Mill Road in Osterville. Agents and officers checked BRANDO's home. They observed BRANDO, who was briefly detained by officers, and several other people running into the woods. Agents located the Honda abandoned on a road behind BRANDO's house. The car was warm to the touch and had leaves stuck in the passenger side window, as if it had been driven through the woods. Agents also recovered a black do-rag matching the description of the one worn by the man entering the Honda earlier that evening.

75. Barnstable Police officers conducted a well-being check at FRAY's residence. During a cursory search of FRAY's home for injured parties, officers located FRAY, a friend of FRAY's, and a woman. All three individuals were separated and questioned. FRAY looked disheveled but did not report any assault. FRAY's friend advised that he may have heard a

gunshot in the woods out back. Officers recovered a 10-round ammunition clip containing only 9 rounds of ammunition from near the driveway of FRAY's residence.

76. Following the shooting, precise location information for OTERO's telephone indicated that the phone was at his Hyannis apartment. A woman answered OTERO's cell phone. Thereafter, agents observed two women run from the direction of OTERO's apartment. A third woman, who I believe to be LOPES, walked more slowly out of the residence. All three women entered LOPES's Dodge Durango and drove off. Agents noted that LOPES's Durango made a series of suspicious turns – the car made u-turns, pulled into driveways unexpectedly, and suddenly changed direction – as it proceeded to the vicinity of West Main Street in Hyannis, not far from BRANDO's residence. I believe that the driver of the Durango utilized counter-surveillance techniques in an effort to see if she was being followed by law enforcement. After staying a short time on West Main Street, the Durango proceeded back to OTERO's Hyannis apartment complex.

77. Later that evening, a female went to the Barnstable Police station to report that she had driven her Honda to a housing development earlier that night and that it had been stolen. At the same time, agents observed LOPES in her Dodge Durango in the police station parking lot. Agents observed a second individual in the Durango, who I believe was OTERO (I believe this based on a later intercepted call where OTERO advised JOSEPH that he had gone and JOSEPH chastised him for going). Barnstable Police released the Honda to the inquiring female. LOPES and OTERO in the Durango, and the female in the Honda, proceeded back to OTERO's Hyannis apartment.

78. The following day, on May 9, 2019, at 11:30 a.m., OTERO called a girlfriend (hereinafter, "CF") and asked if she had seen the news:

OTERO: I gotta get the fuck out of here C, I'm about to take off the Cali . . . they tryin to get me outta here now.

CF: What was on the news?

OTERO: I had to hit this nigga last night . . . I shot the whole place . . . I went crazy last night.

CF: Call me look at my face . . . you what?

OTERO: It's all over everywhere . . . there's cops everywhere . . . I'm fucked up, C.

CF: What do you mean fucked up.

OTERO: Like call.

79. Later that day, OTERO told a friend that he had to get a new phone. In a different call, he claimed that his head hit the windshield because he flew from the back seat to the front seat ("that's how fast niggas was going"). In other calls that day, OTERO told a friend that he was at his Hyannis apartment, but, "don't tell nobody I'm out here."

80. On May 9, 2019, OTERO and BASILICI also exchanged text messages, where OTERO told BASILICI "We need to talk ASAP," and BASILICI responded, "Aight." At approximately 5:15 p.m., OTERO and BASILICI had a lengthy call. During the call, BASILICI told OTERO that he had hid in the woods the night before, that he covered his face with leaves and took off his shoes because they were white (and supposedly easier to see) and "crawled into his hoodie" and stayed still for three hours. BASILICI asked OTERO if he had also hidden in the woods. BASILICI reported that he took his battery out of his cell phone and purchased a new phone. He told OTERO that he was "losing his mind" and was "paranoid" but that being paranoid was "what got him through these years." BASILICI told OTERO that he could not sit for eight months if he was going to be held for a "dangerousness hearing," which I believe is a reference to a Massachusetts state statute that can allow prosecutors to hold defendants charged

in firearm-related cases to be held without bail in pre-trial custody. I believe BASILICI hid in the woods after fleeing from the shooting at FRAY's house and was paranoid about being arrested for his involvement in the shooting.

81. On May 10, 2019, OTERO and BASILICI had the following conversation:

OTERO: Yo, remember that fucking CD that you threw out the window cause it was skipping while we were driving . . . did you go back and grab that thing?

BASILICI: No.

OTERO: Did Jus tell you what's up?

BASILICI: Nope.

OTERO: Oh.

BASILICI: [unintelligible]

OTERO: Do you know where you threw the CD?

BASILICI: Ahhh, the fucking second one?

OTERO: The first one, yours.

BASILICI: Yeah.

OTERO: Oh, cause we don't know exactly where you threw your CD, but the CD's that we threw out we found . . . but you didn't throw it out right where we threw out that other CD did you?

BASILICI: Nigga, it was on the end it was like two seconds before the other one.

OTERO: Was it before we hit the corner . . . was it before we took the left?

BASILICI: No, right as we was taking the corner and the fucking other shit went out . . . right . . . you [unintelligible] that blunt out.

OTERO: Yeah when I threw the blunt out cause the CD kept skipping but I'm saying is, is like, Yo, cause when we turned a corner you know there's a house right there, a big front yard.

BASILICI: Yeah

OTERO: That were you threw it?

BASILICI: Like, right right around there . . . so when we took that left, it should've been right there on the right.

OTERO: But like where in the front yard nigga.

BASILICI: Ahh. I don't [unintelligible].

OTERO: Because you know what sketched me out bro is that we found the other one, but we didn't find the little piece . . . the um . . .

BASILICI: The other one

OTERO: No not only the other one, we didn't find the thing inside of it bro, you know.

BASILICI: Ohh.

OTERO: And the think is it was inside of it bro cause niggas . . . you know what I mean, they just had the music ready to play, so that had me sketched out like if someone took it out and left it there purposefully you know.

BASILICI: They went out at the same time . . . cause I only threw that one, that one CD out.

OTERO: I know but listen when you threw the other CD out with more tracks on it . . . the bigger CD, right, that shit wasn't in that thing bro.

82. In this conversation, I believe that OTERO and BASILICI discussed tossing a firearm from the Honda as they made their getaway. I believe that OTERO's referred to the "little piece" was a reference to the ammunition clip that agents recovered at FRAY's residence.

83. The Aftermath of the Shooting. On May 10, 2019, at approximately 11:24 p.m., ZANGRANDE called OTERO. ZANGRANDE told OTERO that he looked everywhere but could not find anything. ZANGRANDE told OTERO that he saw a man walking his dog so he had to run by Pontiac Street, and that he is now near West Main by the "Cumbs" waiting to get picked up. ZANGRANDE told OTERO that he can do it at 5:30 a.m. OTERO told

ZANGRANDE he had to do it now. OTERO then told ZANGRANDE to grab his Gucci bag because OTERO had “shit in there.” OTERO stated, “Don’t touch it. And bring it home... I’m telling you what’s inside, be careful driving.” ZANGRANDE told OTERO that he would put the bag in his house right now. Just a few minutes later, at approximately 11:28 p.m., OTERO called ZANGRANDE from Target Telephone 2 again to admonish him to be careful with the bag. OTERO asked ZANGRANDE if he knew what was in the bag, and ZANGRANDE responded that he didn’t know.

84. I believe ZANGRANDE was out late at night, looking for one of the firearms OTERO discarded after the shooting on May 8. Specifically, I believe ZANGRANDE was looking for the firearm near FRAY’s home, which is located around the corner from Pontiac Street, West Main Street, and a Cumberland Farms convenience store (“Cumbs”). I then believe OTERO asked ZANGRANDE to move a bag containing a firearm or drugs into ZANGRANDE’s house, after telling him to be careful driving and not to touch the content of the bag.

85. On May 10, 2019, at approximately 2:05 p.m., OTERO received an incoming call in which he told the male that he was hanging a television.<sup>3</sup> Later that same day, at approximately 11:14 p.m. OTERO sent a text message to JOSEPH: “Yo have [her] bring u to bro f that video game that roger pose to get to where we out the tv up at earlier u kno where go now tell them.” About one minute later, JOSEPH called OTERO because he did not understand OTERO’s text message. OTERO then told JOSEPH to bring the “video games” over to the

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<sup>3</sup> Additionally, on May 13, 2019, at approximately 2:41 p.m., OTERO called Comcast Cable company to activate additional cable channels at Apartment 21 at 825 at the “Sea Captain.”

place where they put up the television earlier. OTERO told JOSEPH to do it immediately. I believe OTERO was telling JOSEPH to bring a “video game” to OTERO’s grandmother’s apartment (where he had been hanging the TV earlier in the day), and, as detailed below, I believe OTERO was using “video game” to refer to a gun.

86. On May 13, 2019, at approximately 6:21 p.m., OTERO called BASILICI:

OTERO: Yo another thing is, see what’s up bro, see if anybody wants video-games, [U/I]....if anybody wants to make any money (U/I), you know?

BASILICI: Yes, definitely.

OTERO: You know what I am talking about right?

BASILICI: Yes.

OTERO: Yo, and another thing is, I got the other video-game bro. Every things um. I will show you it. I got it all together and everything too. So if you know anybody else that want to buy that one, cuz I already used it you know?

BASILICI: Alright

OTERO: That shit looks nice too, like I cleaned it all and wiped it all down, you know?

BASILICI: Yup, yup, yup.

OTERO: You know which one I am talking about right? Like the one that you said was pretty, you know?

BASILICI: Yea, yea, I know.

OTERO: So you know anybody [U/I] you know?

BASILICI: How much?

OTERO: I don’t know. What you think a good price for that? I got a whole bunch of them at once, so I don’t even know how much like it cost, you know? And the thing is, I didn’t pay no hat, you know?

BASILICI: Yea, yea.

OTERO: So I don't know bro. What you think a good price for that shit is? That shit dope. I got the [U/I] for it. I got everything for it bro, you know?

BASILICI: Yea I am hip. I don't know. It's one of them ill ass old retro, retro joints, so you know what I'm sayin? Like, those go for maybe like 800? 1,200?

OTERO: I don't even know [U/I] Well bro, even if they want to trade some shit bro [U/I] On some different shit to you know? Like, it doesn't matter bro, just put the word out [U/I].

BASILICI: I might have somebody out that way

OTERO: Huh?

BASILICI: I said I might know somebody out that way, I will make a couple calls.

87. I believe OTERO was asking BASILICI if he knew anyone who wanted to buy the gun ("video game") he used on May 8, 2019 for the shooting at FRAY's home ("cuz I already used it you know?" "That shit looks nice too, like I cleaned it all and wiped it all down, you know?" "You know which one I am talking about right?"). Based on this conversation, I believe OTERO used "video game" to refer to guns in the May 10, 2019 conversation as well, when he asked JOSEPH to bring the "video game" to OTERO's grandmother's apartment.

88. Additionally, on May 14, 2019, at approximately 10:13 a.m., OTERO received an incoming telephone call from a male. OTERO told the male that he was at his grandmother's, across from a Honda dealership. The male stated that he needed "both," and OTERO responded that he had "both." The male told OTERO that he would get dressed and walk over there. At approximately 10:28 a.m., investigators observed the male walking along West Main Street toward OTERO's grandmother's apartment. At approximately 10:54 a.m., OTERO received a call on Target Telephone 2 from the male, who said he was outside. OTERO told the male that he was coming out. At approximately 11:25 a.m., investigators observed the male leave the parking lot of OTERO's grandmother's apartment and walk along West Main Street. I believe

the male called OTERO looking for two types of drugs (“both”), possibly heroin and another drug, and that OTERO supplied the male with “both” drugs from OTERO’s grandmother’s apartment.

89. Based on the foregoing, there is probable cause to believe the Targets conspired to distribute and to possess with intent to distribute heroin, in violation of Title 21, United States Code, Section 846.

#### **DETENTION**

90. For the reasons stated above, the Targets are each and all a risk of flight and a danger to the community. As noted above, the Target are involved in the acquisition and distribution of significant quantities of heroin. Several of the Targets recently used and or discharged firearms to threaten FRAY and then discarded the guns during a subsequent police chase.

91. In addition, according to their interstate or Massachusetts Board of Probation records, many of the Targets have significant criminal records.

- a. As an adult, OTERO served a nine-month prison sentence for breaking and entering and vandalizing property and was placed on probation for assault and battery. In 2007, as a juvenile, OTERO was adjudged delinquent for assault with intent to murder, assault with a dangerous weapon, and unlawful possession of a firearm and was committed to the Department of Youth Services (DYS) until he was 21.
- b. In 2013, TONY JOHNSON served a combined three and a half to four year state prison sentence for assault with a dangerous weapon, possession with intent to distribute cocaine, and unlawful possession of a firearm. In 2009, he was sentenced to three years in state prison for trafficking in cocaine. His other criminal convictions

include prison sentences for assault and battery with a dangerous weapon, assault and battery on a police officer, assault and battery, resisting arrest, and possession with intent to distribute cocaine.

- c. BAAMS is currently on pre-trial release on a Barnstable District Court case for intimidation of a witness, assault and battery on a police officer, and assault and battery. In 2007, BAAMS was convicted in Barnstable Superior Court and sentenced to a combined eight year state prison term for armed assault with intent to murder and unlawful possession of a firearm as an armed career criminal. BAAMS's other criminal convictions include prison sentences for assault and battery with a dangerous weapon, assault and battery, distribution of cocaine.
- d. In 2015, BRANDO was convicted in Barnstable Superior Court and sentenced to a four year state prison sentence for trafficking in cocaine and assault and battery. At the same time, he received a concurrent prison sentence on a separate possession with intent to distribute heroin and cocaine case. BRANDO's other criminal convictions include committed sentences for larceny and assault and battery.
- e. In 2006, BASICILICI was convicted in Barnstable Superior Court and sentenced to a five year state prison sentence for armed robbery, assault and battery with a dangerous weapon, and home invasion. BASICILICI's other criminal convictions include committed sentences for assault with a dangerous weapon, intimidation of a witness, assault and battery. As a juvenile, BASICILICI was adjudged delinquent of rape of a child by force and he has an adult conviction for failure to register as a sex offender. In addition, BASICILICI is the subject of an outstanding arrest warrant for assault and battery from 2016.

- f. FRAY is on pre-trial release from two open state court cases, one for trafficking in heroin, the other for assault and battery on a household member. He is currently on probation for breaking and entering in the nighttime with intent to commit a felony and larceny.
- g. While agents are continuing to investigate his out-of-state record, it appears that JOSEPH was convicted in 2009 in Rhode Island of a drug trafficking and firearm possession case, where he received an eight year prison sentence, with one year and three months to serve, and the balance suspended for eight years. In 2014, he was convicted of a different drug trafficking charge and received a twelve year sentence, three years to serve, the balance suspended for nine years.
- h. In 2013, JOSHUA JOHNSON has been convicted of grand larceny in Florida and has also been arrested for firearm and drug-possession related offenses.
- i. In 2016, ZANGRANDE was convicted of assault with a screwdriver and served six months in prison. From 2016-2017, ZANGRANDE defaulted multiple times on two separate drug possession cases. Ultimately, a Barnstable District Court judge revoked his probation and imposed a six month prison sentence.
- j. As noted above, COTELL is currently on supervised release after serving a 20 month prison sentence for conspiracy to distribute heroin. COTELL has also received continuations without a finding (CWOFs) for several other state court drug possession and conspiracy charges.
- k. LOPES has no significant criminal record but as noted above was involved in distributing heroin for OTERO, appeared to pick up OTERO after his shooting, and

was present at the police station when the false police report concerning the Honda – the car used in the shooting – was filed.

## CONCLUSION

In light of the evidence summarized above, I respectfully request that the Court issue the requested criminal complaint. I further request that the Targets be detained pending trial.

Signed under the pains and penalties of perjury this 17<sup>th</sup> day of May 2019.

  
\_\_\_\_\_  
Ryan J. Rapaszky

Supervisory Special Agent  
Drug Enforcement Administration

Sworn to and subscribed before me this 17<sup>th</sup> day of May 2019.

  
\_\_\_\_\_  
The Honorable Marianne B. Bowler  
United States Magistrate Judge  
